

PROB 12B
(6/21)

United States District Court
for
District of New Jersey
Request for Modifying the Conditions or Term of Supervision
with Consent of the Individual Under Supervision
(Probation Form 49, Waiver of Hearing is Attached)

Name of Individual Under Supervision: Jonathan A. Kirschner

Cr.: 18-00360-001
PACTS #: 3728253

Name of Sentencing Judicial Officer: THE HONORABLE ROBERT B. KUGLER
SENIOR UNITED STATES DISTRICT JUDGE

Date of Original Sentence: January 28, 2020

Original Offense: Count One: Impersonation of a Special Agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives 18 U.S.C. § 912, a Class E Felony
Count Two: Knowingly Bringing False, Forged, or Counterfeit Coins and Bars into the United States 18 U.S.C. § 485, a Class C Felony

Original Sentence: Original Sentence: 36 months imprisonment on Count One and 90 months imprisonment on Count Two, to run consecutively, resulting in an aggregate sentence of 126 months, 1 year of supervised release on Count 1; 3 years on Count 2, to be served concurrently

Date of Resentence: July 6, 2021

Resentence: 36 months imprisonment on Count One and 16-months imprisonment on Count Two, to run consecutively, resulting in an aggregate sentence of 52 months, 1 year of supervised release on Count 1; 3 years on Count 2, to be served concurrently.

Special Conditions: Drug Treatment and Testing, Computer Monitoring, Financial Disclosure, Mental Health Treatment, New Debt Restrictions, Polygraph Examination, elf-Employment/Business Disclosure

Type of Supervision: Supervised Release

Date Supervision Commenced: 09/02/2022

PETITIONING THE COURT

- ☐ To extend the term of supervision for ____ years, for a total term of ____ years.
- ☒ To modify the conditions of supervision as follows:

LOCATION MONITORING PROGRAM (3 months)

You must submit to the Location Monitoring Program as noted below for a period of 3 months:

You must submit to a **Curfew** and comply with the program requirements as directed by the U.S. Probation Office. You will be restricted to your residence every day for any given 12-hour period as directed by the U.S. Probation Office. You must wear an electronic monitoring device (radio frequency transmitter) and follow all location monitoring procedures as directed by the U.S. Probation Office. The cost of the monitoring is waived.

CAUSE

Mr. Jonathan Kirschner commenced his three-year term of supervised release on September 2, 2022. He currently resides with his parents in Moorestown, New Jersey, and is gainfully employed as a cook in a local restaurant.

Shortly after the commencement of Mr. Kirschner's supervised release, the probation office was contacted by the Certified Collectibles Group / Numismatic Guaranty Company (NGC) due to their concern that he was engaged in the buying and selling of counterfeit coins.

A private investigative firm, Kroll, produced a report, dated December 15, 2022, documenting their investigation into the alleged conduct. Detailed in the Kroll report, they confirmed that Mr. Kirschner was selling counterfeit coins on Etsy marketplace. Kroll's client, NGC, had confirmed that the coins being sold by Mr. Kirschner are counterfeits, they are presented in holders displaying NGC's hologram, NGC's name, insignia and false invoice number and grading number that implies NGC has received and graded the coin. NGC has confirmed that it has not graded any of the coins being sold by Mr. Kirschner.

The probation officer conducted an independent investigation of Mr. Kirschner's alleged conduct. Much of the activity described in the Kroll report was taking place via Mr. Kirschner's monitored devices. A review of his devices displayed the buying and selling of coins on platforms such as Etsy and Shopify. It also displayed evidence of Mr. Kirschner purchasing packaging materials and holograms to present coins as authentic.

On May 26, 2023, the probation office met with Mr. Kirschner to discuss the allegations brought forth by the probation office and the Kroll report. At that time, Mr. Kirschner did admit to purchasing, packaging and selling coins on various online platforms. He did admit that, although he was selling the coins as a replica, he packaged them in a manner where a consumer could reasonably believe they were authentic. Mr. Kirschner agreed to a directive from the probation office that he is to remove any profile on the online platforms that he was using to sell coins, destroy all materials used for the packaging of coins and to dispose of all coins meant for resale. These directives were given a 3-day deadline.

Mr. Kirschner has a restitution balance of \$12,377.96. Since the commencement of supervision, Mr. Kirschner has made payment totaling \$732.12 (payments made were from the seizure of his state and federal tax returns). His judgment states he must make payments in the amount of \$300 per month. He is not in compliance with the Court's ordered payment plan. The non-compliance was discussed with Mr. Kirschner during the May 26, 2023, meeting with the probation officer and he made a commitment to comply with the payment schedule – starting on June 2, 2023.

Mr. Kirschner admitting to earning approximately \$5,000 from the sale of replica coins between September 2022 and May 2023. He did not report this earned income to the probation office. As a result of this earned income, Mr. Kirschner is in violation of the special condition which states 'You must cooperate with the U.S. Probation office in the investigation and approval of any position of self-employment, including any independent, entrepreneurial, or freelance employment or business activity.'

As a sanction for Mr. Kirschner's non-compliance, he has signed the enclosed *Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision*, agreeing to a modification of his conditions which states that he must submit to 3 months of Location Monitoring. This modification will allow Mr. Kirschner to continue attending substance abuse treatment, in which the probation office has received all positive reports, as well as allow him to continue working and making the restitution payments to the victims of the instant offense. This modification also holds Mr. Kirschner accountable for the non-compliance alleged within this document and the Kroll report. Mr. Kirschner was made aware that if the

alleged non-compliance were to continue, the Court would be contacted, and the probation office would utilize progressive sanctions.

Respectfully submitted,

SUSAN M. SMALLEY, Chief
U.S. Probation Officer



By: MATTHEW J. WEBER
Senior U.S. Probation Officer

/ mjlw

APPROVED:



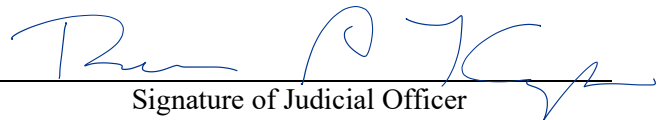
5/30/2023

ANTHONY M. STEVENS
Supervising U.S. Probation Officer

Date

THE COURT ORDERS:

- ☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above (as recommended by the Probation Office)
☐ No Action
☐ Other



Signature of Judicial Officer

May 30, 2023

Date

PROB 49
(4/19)

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

☐ To modify the conditions of supervision as follows:

LOCATION MONITORING PROGRAM (3 months)

You must submit to the Location Monitoring Program as noted below for a period of 3 months:

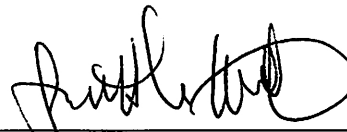
You must submit to a **Curfew** and comply with the program requirements as directed by the U.S. Probation Office. You will be restricted to your residence every day for any given 12-hour period as directed by the U.S. Probation Office. You must wear an electronic monitoring device (radio frequency transmitter) and follow all location monitoring procedures as directed by the U.S. Probation Office. The cost of the monitoring is waived.

Witness:



Senior U.S. Probation Officer
Matthew J. Weber

Signed:



Probationer or Supervised Releasee
Jonathan A. Kirschner

5/26/03
Date